

## **REMARKS**

### **Revocation of Power of Attorney**

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE PLLC at the address listed on the enclosed form. A CHANGE OF ADDRESS FORM is also being submitted herewith.

### **Claim Rejections**

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Xie (U.S. 6,783,233).

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **Claim Amendments**

By this Amendment, Applicant has canceled claim 1 and has added new claim 2 to this application. It is believed that the new claim specifically sets forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The new claims are directed toward a spectacle strap-on apparatus comprising: spectacles (10) having: two spectacle lenses (11); a first nose stand (13) connected between the two spectacle lenses and having two spaced apart first fastening rings (17), two first magnets (18), two auxiliary stands (16), and two nose pads (12), the two spaced apart first fastening rings are connected directly to the first nose stand between the two spectacle lenses, each of the two first magnets is connected to one of the two spaced apart first fastening rings, each of the two auxiliary stands is connected at a first end thereof to one of the two spaced apart

first fastening rings and at a second end thereof to one of the two nose pads, each of the two auxiliary stands being located between one of the two first magnets and one of the two nose pads; two ear racks (15); and two seats (14), each of the two seats connected at a first end thereof to an end of one of the two spectacle lenses opposite the nose stand and pivotally connected at a second end thereof to one of the two ear racks; and strap-on sunglasses (20) being movable between connected and disconnected positions and having: two sunglass lenses (21); and a second nose stand (22) connected between the two sunglass lenses and having two spaced apart second fastening rings (23) connected directly to the second nose stand between the two sunglass lenses and two second magnets (24), each of the two second magnets is connected to one of the two spaced apart second fastening rings, wherein, in the connected position, the second nose stand is positioned above the first nose stand and each of the two first magnets is connected to one of the two second magnets, and, in the disconnected position, the second nose stand is spaced apart from the first nose stand and each of the two first magnets is spaced apart from each of the two second magnets.

The cited reference to Xie teaches a spectacle set with a detachable shelter frame including a primary bridge (11G), two nose supports (15G, 16G), and two extension arms (151G, 161G). Each of the two nose supports include a U-shaped end holder (151G-1, 161G-1) for supporting a magnet. A rimless detachable shelter frame (20G) includes a shelter bridge (211G) having two mounting ropes (212G, 213G), and two L-shaped supporting arms (241G, 251G) having U-shaped holding loops (242G-1, 252G-1) located on the end thereof for holding magnet elements (242G-2, 252G-2).

Xie does not teach a first nose stand having two spaced apart first fastening rings; the two spaced apart first fastening rings are connected directly to the first nose stand between the two spectacle lenses; each of the two auxiliary stands is connected at a first end thereof to one of the two spaced apart first fastening rings and at a second end thereof to one of the two nose pads; each of the two auxiliary stands being located between one of the two first magnets and one of the two nose pads; a second nose stand having two spaced apart second fastening rings connected directly to the second nose stand between the two sunglass lenses; nor

does Xie teach each of the two second magnets is connected to one of the two spaced apart second fastening rings.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Xie does not disclose each and every feature of Applicant's new claim and, therefore, could not possibly anticipate this claim under 35 U.S.C. § 102. Absent a specific showing of these features, Xie cannot be said to anticipate Applicant's new claim under 35 U.S.C. § 102.

It is further submitted that Xie does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Xie renders obvious Applicant's new claim under 35 U.S.C. § 103.

**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: December 23, 2004

By:



Bruce H. Troxell

Reg. No. 26,592

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707